

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA  
FOR THE USE AND BENEFIT OF  
READY MIX CONCRETE, INC.

Plaintiff

vs

CIVIL 98-2235CCC

UNITED STATES FIDELITY & GUARANTY  
COMPANY, THE ST. PAUL COMPANIES,  
INC., RELIABLE MECHANICAL, INC.,  
GALEAR, INC. and  
JOHN DOES 1 THROUGH 25, INCLUSIVE

Defendants

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RELIABLE MECHANICAL, INC.

Third-Party Plaintiff

vs

ARMANDO A. DIAZ-CRUZ

Third-Party Defendant

RECEIVED  
01 MAY 2001  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

**ORDER**

Having considered the Motion to Amend Judgment of Dismissal filed by defendant Reliable Mechanical, Inc. (**docket entry 52**) and the opposition filed by Armando Díaz-Cruz and Galear, Inc. (**docket entry 53**), the same is DENIED. Dismissal of the action, and not just

54

CIVIL 98-2235CCC

2

stay of the proceedings, was appropriate once the Court determined upon entering Judgment (see docket entry 51) that all the issues still pending before it had to be submitted to arbitration. Bercovitch v. Baldwin School, Inc., 133 F.3d 141, 156 n. 21 (1<sup>st</sup> Cir. 1998).

SO ORDERED.

At San Juan, Puerto Rico, on May <sup>4</sup>, 2001.



CARMEN CONSUELO CEREZO  
United States District Judge

s/c:to ( 7 )  
attys/pts  
in ICMS

MAY - 9 2001

